

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RASHIDI G. SMITH,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS; N.Y.
CITY; CITY COUNCIL; UNKNOWN
EMPLOYEES; GRVC; OBCC,

Defendants.

24-CV-9476 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Rashidi Smith brings this action *pro se*. For the reasons set forth below, the Court directs Smith, if he wishes to proceed, to certify that he intends to proceed as plaintiff in this action by signing and returning the attached declaration within 30 days.

DISCUSSION

The complaint makes the following allegation:

I was retaliated on for helping Mr. Antrobus same way he was retaliated on with assau[lt] its from Employees and inmates Employees hired to assault, cut and etc. cause of false charge of fighting in a psychiatric hospital. . . . Also victim . . . denies altercation . . . and still locked up Antrobus and retaliated block mail, take evidence and assault, and whoever helps him like me !!!

(ECF 1 at 4.)¹

Andre Antrobus, who is referenced in the complaint, has brought numerous action in this court on his own behalf, including two that are pending. *See Antrobus v. Dep't of Corrs.*, ECF 1:24-CV-9474, 1 (S.D.N.Y.); *Antrobus v. Dep't of Corrs.*, ECF 1:24-CV-9471, 1 (S.D.N.Y.).

¹ The Court quotes from the complaint verbatim. All spelling, grammar, and punctuation are as in the original unless noted otherwise.

This complaint includes some portions that appear to be written in nonparty Antrobus's handwriting and other portions that are written in a different handwriting. Moreover, the sender identified on the envelope used to mail the complaint is nonparty David Cruz Rodriguez.. Because it is not clear that Smith intends to bring this action on his own behalf, if he wishes to proceed, the Court directs him to sign and return the attached signature page, titled "Plaintiff's Certification and Warnings."

CONCLUSION

If Plaintiff wishes to proceed with this action, the Court directs him to sign the attached declaration, titled "Plaintiff's Certification and Warnings," label the document with docket number 24-CV-9476 (LTS), and submit the document to the Court within 30 days of the date of this order.

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff does not return the declaration within the time allowed, the Court will dismiss the action without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: December 17, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RASHIDI G. SMITH,

Plaintiff,

-against-

DEPARTMENT OF CORR., ET AL.,

Defendants.

24-CV-9476 (LTS)

DECLARATION

I, _____, declare under penalty of perjury that the foregoing is true and correct:

I am a plaintiff in this action and I respectfully submit this declaration in response to the Court's order dated _____. I have signed this declaration as proof that I have read the complaint in this action and that I am a plaintiff in this action. Pursuant to Rule 11(b) of the Federal Rules of Civil Procedure, I certify that to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Dated

Signature

Name (Last, First, MI)

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)